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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/751,939	01/02/2001	Jae Goan Jeong	P 275428 2000-OPH-2055	8888

909                    7590                    05/16/2003  
PILLSBURY WINTHROP, LLP  
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MCLEAN, VA 22102

EXAMINER
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VU, DAVID

ART UNIT	PAPER NUMBER
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2818

DATE MAILED: 05/16/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.	Applicant(s)	
09/751,939	JEONG, JAE GOAN	
Examiner	Art Unit	
DAVID VU	2818	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

1) Responsive to communication(s) filed on 04 March 2003.

2a) This action is FINAL.                            2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

4) Claim(s) 1-3 is/are pending in the application.

4a) Of the above claim(s) 4-6 is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 1-3 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on 02 January 2001 is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) The proposed drawing correction filed on \_\_\_\_\_ is: a) approved b) disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.

12) The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. §§ 119 and 120

13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some \* c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) The translation of the foreign language provisional application has been received.

15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

### Attachment(s)

1) Notice of References Cited (PTO-892)                            4) Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)                    5) Notice of Informal Patent Application (PTO-152)

3) Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_                    6) Other:

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 1-3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mitani (US 6,018,185) in view of Omid-Zohoor et al., (US 5,777,370).

Mitani et al., in related text (Col. 7, Line. 63-Col. 9, Line. 29) and figures (Fig. 2A-2G) disclose a transistor comprising: a device isolation film 104 formed on a semiconductor substrate 101, the device isolation film 104 having a groove that exposes a portion of the semiconductor substrate 101 defining an active region and having a substantially vertical profile with respect to the exposed portion of the semiconductor substrate 101; a gate electrode structure formed in a central portion of the active region of the semiconductor substrate 101 and separated from the device isolation film 104, wherein the gate electrode structure further comprises: a stacked structure of a gate insulation film 106, a first gate electrode 107 and a second electrode 107, an oxide layer 109 formed on a side wall of the first gate electrode 107, and nitride spacers 109 formed on the oxide layer 109 (See Col. 17, Line 67-Col. 18, Line 3 and Fig. 9D) on the sidewall of the first gate electrode 107 and on a side wall of the device isolation film 104; lightly doped drain (LDD) regions 110 formed in the active region of the semiconductor substrate 101 on both sides of the gate electrode structure; source/drain regions 110 formed in the active region of the

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semiconductor substrate 101 on both sides of the gate electrode structure; and second and third insulating films 111/112 filling and plananizing the space above the active region and between the gate electrode structure and the device isolation film 104.

Mitani et al. fails to expressly mention the gate insulation comprises silicon oxide.

Gardner et al., in related text (Col. 3, Line 20-Col. 5, Line 39) and figures (Fig. 2A-2J) disclose a device isolation film 66 formed on a semiconductor substrate 10, the device isolation film 66 having a groove that exposes a portion of the semiconductor substrate 10 defining an active region and having a substantially vertical profile with respect to the exposed portion of the semiconductor substrate 10; a gate electrode structure formed in a central portion of the active region of the semiconductor substrate 10 and separated from the device isolation film 66, wherein the gate electrode structure further comprises: a stacked structure of a gate oxide film 68, a first gate electrode 70 and a second electrode 82, an oxide/nitride layer 84 formed on a side wall of the first gate electrode 70, and nitride spacers 84 formed on a side wall of the device isolation film 66; lightly doped drain (LDD) regions 76 formed in the active region of the semiconductor substrate 10 on both sides of the gate electrode structure; source/drain regions 86 formed in the active region of the semiconductor substrate 10 on both sides of the gate electrode structure, and second and third insulating films 78/80 filling and plananizing the space above the active region and between the gate electrode structure and the device isolation film 66.

It would have been obvious to one of ordinary skill in the art at the time the invention was made for using the substrate materials as taught by Gardner et al., within the general skill of a worker in the art, to select a known material on the basis of its suitability for its intended use is a matter of obvious design choice.

In re claim 2, Mitani et al disclose the vertical profile of the device isolation film is modified near the junction of the device isolation film and the semiconductor substrate such that the device isolation film has a substantially rounded profile (Figs. 2E-2F).

In re claim 3, Mitani et al disclose a hard mask layer 108 is formed on the gate electrode (Figs. 2E-2F).

### **Conclusion**

2. Any inquiry concerning this communication or earlier communications from the examiner should be directed to David Vu whose telephone number is (703) 305-0391. The examiner can normally be reached on Monday-Friday from 8:00am to 5:00pm. If attempt to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Nelms., can be reached on (703) 308-4910.

DV

David Vu

HOAI HO  
PRIMARY EXAMINER